

ASSEMBLY BILL

No. 1693

Introduced by Assembly Member Matthews

February 22, 2005

An act to amend Sections 44531 and 44534 of the Health and Safety Code, relating to air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 1693, as introduced, Matthews. California Pollution Control Financing Authority

The California Pollution Control Financing Authority Act establishes the California Pollution Control Finance Authority, to finance pollution control facilities, assist counties and cities to develop and implement growth policies and programs that reduce pollution hazards and the degradation of the environment or promote infill development, and assist with the financing of the costs of assessment, remedial planning and reporting, technical assistance, and the cleanup, remediation, or development of brownfield sites, or other similar or related costs.

This bill would require a project financed by the authority to result in a quantifiable reduction of pollution. The bill would require the pollution reduction attributable to a project to be certified by an independent 3rd party. The bill would require the authority to prepare and submit to the Legislature an annual report on the amounts and types of pollution reduced through the actions of the authority pursuant to the act.

The bill would require a participating party, as defined, that seeks financing under the act to enter into an agreement that details the responsibility of the participating party to fully construct, operate, and maintain the project as represented in the application for financing.

The bill would require the authority to implement a monitoring program for all financed projects and would require the executive director to provide the authority with updates at least annually. The bill would require the authority to implement a financial recovery process, including penalties to be imposed under specified circumstances.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 44531 of the Health and Safety Code is
2 amended to read:

3 44531. (a) All projects shall be constructed or completed
4 subject to the rules and regulations of the authority.

5 (b) The authority is authorized to acquire, by deed, purchase,
6 lease, contract, gift, devise, or otherwise, any real or personal
7 property, structures, rights, rights-of-way, franchises, easements,
8 and other interests in lands located within this state necessary or
9 convenient for the construction or operation of a project, upon
10 such terms and conditions as it deems advisable, and to lease,
11 sell, or dispose of the same in such manner as may be necessary
12 or desirable to carry out the objects and purposes of this division.
13 Nothing in this division shall authorize the authority to exercise
14 the power of eminent domain.

15 (c) *A project financed by the authority shall result in a*
16 *quantifiable reduction of pollution.*

17 (d) *The pollution reduction attributable to a project shall be*
18 *certified by an independent third party.*

19 (e) *The authority shall prepare and submit to the Legislature*
20 *an annual report on the amounts and types of pollution reduced*
21 *through the actions of the authority pursuant to this division.*

22 SEC. 2. Section 44534 of the Health and Safety Code is
23 amended to read:

24 44534. (a) The authority shall take initial action on any
25 completed application for financing submitted to it by a
26 participating party at the next meeting of the authority ~~which~~ *that*
27 occurs more than 10 days following receipt of ~~such~~ *the*
28 application.

1 (b)(1) The authority shall take final action with regard to the
2 issuance of bonds or notes to lend financial assistance to a
3 participating party within 60 days of receipt by the authority of a
4 request from ~~such a~~ participating party for the issuance of bonds
5 or notes.

6 ~~A~~

7 (2) A request from a participating party for final approval of
8 the issuance of bonds or notes shall be accompanied by evidence
9 of fulfillment of all conditions to the issuance of ~~such those~~
10 bonds or notes and by copies of forms of all principal legal
11 documents to be approved by the authority, which must be
12 satisfactory in form and substance to the Attorney General.

13 (c) The authority may give final approval for the issuance of
14 bonds or notes upon ~~such terms as it deems it determines to be~~
15 necessary and desirable. ~~The authority may, in its discretion, give~~
16 ~~final approval to the issuance of bonds or notes prior to receipt of~~
17 ~~the certificate described in subdivision (b) of Section 44533.~~

18 SEC. 3. Section 44534.5 is added to the Health and Safety
19 Code, to read:

20 44534.5. (a) The authority shall require a participating party
21 to enter into an agreement that details the responsibility of the
22 participating party to fully construct, operate, and maintain the
23 project as represented in the application for financing.

24 (b) The authority shall implement a monitoring program for all
25 financed projects and the executive director shall provide the
26 authority with updates at least annually.

27 (c) The authority shall implement a financial recovery process,
28 including, but not limited to, penalties to be imposed if financial
29 assistance provided under this division is not used for the
30 purpose for which it was provided or if the project is not
31 maintained according to an agreement pursuant to subdivision (a)
32 or another legally binding document.